

House Engrossed Senate Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 302

SENATE BILL 1189

AN ACT

AMENDING TITLE 12, CHAPTER 13, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING
SECTION 12-2203; RELATING TO EVIDENCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 12, chapter 13, article 1, Arizona Revised Statutes,
3 is amended by adding section 12-2203, to read:

4 12-2203. Admissibility of expert opinion testimony

5 A. IN A CIVIL OR CRIMINAL ACTION, ONLY A QUALIFIED WITNESS MAY OFFER
6 EXPERT OPINION TESTIMONY REGARDING SCIENTIFIC, TECHNICAL OR OTHER SPECIALIZED
7 KNOWLEDGE AND THE TESTIMONY IS ADMISSIBLE IF THE COURT DETERMINES THAT ALL OF
8 THE FOLLOWING APPLY:

9 1. THE WITNESS IS QUALIFIED TO OFFER AN OPINION AS AN EXPERT ON THE
10 SUBJECT MATTER BASED ON KNOWLEDGE, SKILL, EXPERIENCE, TRAINING OR EDUCATION.

11 2. THE OPINION WILL ASSIST THE TRIER OF FACT IN UNDERSTANDING THE
12 EVIDENCE OR DETERMINING A FACT IN ISSUE.

13 3. THE OPINION IS BASED ON SUFFICIENT FACTS AND DATA.

14 4. THE OPINION IS THE PRODUCT OF RELIABLE PRINCIPLES AND METHODS.

15 5. THE WITNESS RELIABLY APPLIES THE PRINCIPLES AND METHODS TO THE
16 FACTS OF THE CASE.

17 B. THE COURT SHALL CONSIDER THE FOLLOWING FACTORS, IF APPLICABLE, IN
18 DETERMINING WHETHER THE EXPERT TESTIMONY IS ADMISSIBLE PURSUANT TO
19 SUBSECTION A:

20 1. WHETHER THE EXPERT OPINION AND ITS BASIS HAVE BEEN OR CAN BE
21 TESTED.

22 2. WHETHER THE EXPERT OPINION AND ITS BASIS HAVE BEEN SUBJECTED TO
23 PEER REVIEWED PUBLICATIONS.

24 3. THE KNOWN OR POTENTIAL RATE OF ERROR OF THE EXPERT OPINION AND ITS
25 BASIS.

26 4. THE DEGREE TO WHICH THE EXPERT OPINION AND ITS BASIS ARE GENERALLY
27 ACCEPTED IN THE SCIENTIFIC COMMUNITY.

APPROVED BY THE GOVERNOR MAY 10, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 10, 2010.